

Message Text

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ACTION AF-10

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LIMITED OFFICIAL USE PRETORIA 1952

CAPE TOWN FOR EMBASSY

E.O. 11652: N/A
TAGS: PINT, SHUM, SF
SUBJECT: PRETORIA ANC TRIAL: ACCUSED SENTENCED

REF: PRETORIA 1935

BEGIN UNCLASSIFIED
1. ON APRIL 7, JUSTICE MYBURGH OF THE SUPREME COURT IN
PRETORIA SENTENCED THE SIX CONVICTED ANC ACCUSED AS FOLLOWS:
SEXWALE: 18 YEARS; TSIKI: 14 YEARS; MOTOUNG: 12 YEARS;
MOHLANYANENG: 10 YEARS; RAMOKGADI: 7 YEARS; AND
SEATHLOLO: 12 YEARS. PRIOR TO SENTENCING, MYBURGH READ A
THIRTY MINUTE STATEMENT IN WHICH HE NOTED THAT THE ACCUSED
ACTED AS THEY DID IN ORDER TO BRING ABOUT CHANGE FOR A MORE
JUST SOCIETY. MYBURGH ALSO READ THE LAST PARAGRAPHS OF
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SEXWALE'S STATEMENT (REPORTED IN REFTTEL) AND SAID THAT
PARTICULAR PORTION, THE STATEMENTS BY RAMOKGADI AND
TSIKI, PLUS THE FACT THAT THE ACCUSED ACTED OUT OF
IDEALISM AND NOT PERSONAL GAIN HAD A DIRECT BEARING ON
HIS DECISION. MYBURGH EXPLAINED THAT PUNISHMENT MUST
FIT THE INDIVIDUAL AS WELL AS THE CRIME. (SEXWALE
RECEIVED 18 YEARS BECAUSE HE THREW A HAND GRENADE WHICH

WOUNDED TWO SOUTH AFRICAN POLICE OFFICERS IN AN ESCAPE
BID NEAR THE SWAZI BORDER IN 1976. TSIKI RECEIVED 14
YEARS FOR HIS PARTICIPATION IN DERAILING A TRAIN IN THE
NORTHERN TRANSVAAL.)

2. A RECORD NUMBER OF SPECTATORS ATTEMPTED TO ENTER
THE PUBLIC GALLERY. EMBOFF AT TRIAL NOTED DOZENS
OF UNFAMILIAR AFRIKAANS SPEAKING WHITES IN THE PUBLIC
GALLERY. (THESE WHITES MAY HAVE BEEN IN ATTENDANCE IN
ORDER TO "PACK" GALLERY AND EXCLUDE BLACK SYMPATHIZERS
OF ACCUSED. EMBOFF NOTED THAT ONLY A SMALL NUMBER OF
BLACKS WHO WEREN'T RELATIVES OF ACCUSED WERE ADMITTED
TO COURT.) SECURITY WAS HEAVIEST TO DATE WITH DOGS,
MACHINE PISTOLS, AND HELMETED RIOT POLICE.

3. AFTER SENTENCING, RAMOKGADI GAVE THE RAISED CLENCHED
FIST AND SHOUTED "AMANDLA" (POWER). THE FEW BLACKS IN
THE GALLERY RESPONDED IN KIND AND SANG A FREEDOM SONG.
POLICEMEN IN GALLERY POINTED MACHINE PISTOLS AT SINGING
BLACKS AND HAD THEM CLEAR COURTROOM QUICKLY.
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4. FATHER OF TSIKI TOLD EMBOFF IMMEDIATELY AFTER
SENTENCING, " I AM SO HAPPY, THERE IS HOPE FOR THE
SOUTH AFRICAN LEGAL SYSTEM AFTER ALL...IN ANY OTHER
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COUNTRY THEY WOULD HAVE BEEN HANGED." OTHER SPECTATORS,
BLACK AND WHITE APPEARED VERY PLEASED AND SURPRISED AT
SENTENCING.

5. COMMENT: JUSTICE MYBURGH'S FINDING THAT SIX OF THE
ORIGINAL TWELVE DEFENDANTS WERE NOT GUILTY "ASTONISHED"
THE DEFENSE LAWYERS. HIS IMPOSITION OF JAIL SENTENCES
FROM 7-18 YEARS IN FACE OF THE STATE DEMAND FOR THE
DEATH PENALTY IS PROBABLY EVEN MORE ASTONISHING IN LIGHT
OF HIS FINDING THAT ALL OF THE ACCUSED WERE DIRECTLY
INVOLVED IN AN ANC CONSPIRACY TO OVERTHROW THE SOUTH
AFRICAN GOVERNMENT BY VIOLENT MEANS.
BOWDLER

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